

**RIO DELL CITY COUNCIL
REGULAR MEETING
NOVEMBER 3, 2009
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Dunker, Marks, and Thompson

Absent: Mayor Woodall and Councilmember Barsanti

Others Present: Interim City Manager Hill, Acting Director of Public Works Jensen, Finance Director Beauchaine, Public Works Administrative Assistant Ralston, City Clerk Dunham, and Merritt Perry, Winzler & Kelly

Councilmember Thompson led the audience in a special Pledge of Allegiance with a video presentation of the Pledge of Allegiance by Red Skelton.

CONSENT CALENDAR

Motion was made by Thompson/Dunker to approve the consent calendar including the minutes of the August 25, 2009 Study Session; the minutes of the September 15, 2009 Regular Meeting; and the check register including the General Check Register for check numbers 27768-27815 totaling \$175,752.77 and the Payroll Check Register for check numbers 14940-14960 totaling \$23,851.36.

Councilmember Thompson questioned check number 27792 to Mann, Urrutia, Nelson, CPA's in the amount of \$22,380.00; Finance Director Beauchaine explained the check was for the preparation of the State Controller's Report, procedures associated with STIP funding, and work related to the June 30, 2009 audit.

Councilmember Dunker referred to check number 27811 to the State Water Resources Control Board for Wastewater Treatment Plant Operator Certification and asked who the certification covered; Public Works Director Jensen explained it was for himself and Rick Chicora and stated they must be renewed every two years.

Motion then carried 3-0 with Councilmember Dunker abstaining from vote on the September 15, 2009 minutes.

ORDINANCES/SPECIAL RESOLUTIONS

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Approve Resolution No. 1063-2009 Authorizing the City Manager to Submit an Application through the Energy Efficiency Conservation Block Grant Program

Councilmember Thompson read the resolution authorizing the City Manager to submit an application to the Energy Efficiency Conservation Block Grant Program for funding of a cost-effective energy efficiency project for the City of Rio Dell. He noted a correction to the second paragraph stating it should read "eligible *for* local governments ... He went on to explain that this is the final step necessary for the City to receive \$25,000 allotted to complete a qualifying project such as update of the City's air conditioning, heating and ducting at City Hall.

Interim City Manager Hill noted there are no matching funds required by the City for the grant.

Motion was made by Thompson/Dunker to approve Resolution No. 1063-2009 *Authorizing the City Manager to Submit an Application to the Energy Efficiency Conservation Block Grant Program*. Motion carried 3-0.

Approve Resolution No. 1064-2009 Supporting the Display of the National Motto "In God We Trust" in the City Council Chambers in a Prominent Location above the Seal

Interim City Manager Hill stated that since this issue was brought forward by Councilmember Dunker he thought that it would be appropriate that he summarize the staff report and proposed resolution.

Councilmember Dunker summarized his reasons for bringing the request forward for the display of the national motto "In God We Trust" to be permanently displayed above the City seal in the City of Rio Dell Council Chambers.

Motion was made by Dunker/Thompson to approve 1064-2009 *Supporting the Display of the National Motto "In God We Trust" in the City Council Chambers in a Prominent Location above the City Seal*.

Mayor Pro Tem Marks then asked for public comment on the proposed resolution.

John Lane 1249 Riverside Dr. addressed the Council stating that when he first saw the words proposed to be placed above the City seal he questioned whether it was appropriate. He said for 300 years this country has separated church from state and felt it was immoral to mix government with religion and unfair to those who don't have the same beliefs fearing it would offend a lot of people. He commented that by displaying this motto, the Council would be taking sides which they should not do.

Nita Waters, 624 Monument Road said she agreed with John Lane, stating the City has done quite well without display of the motto and felt it would almost be saying that the City Council is not responsible for their actions and would be relying on God. Looking at the world-wide aspect, she said it would be better to honor our ancestors.

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Marilyn (Berkeley St. resident) said she was in support of the display of the motto stating this country was founded on Christianity and on the principles of God. She said the expression of students who placed the American flag upside down below the Mexican flag is demoralizing and felt it is important to keep on acknowledging "In God We Trust."

Dennis Wendt, 1660 Newburg Road, Fortuna said he agreed that it is the right thing to do to display the motto as was recently done in the City of Fortuna.

Maggie Todd, 100 Painter St. said she was in support of the Resolution and pointed out that it takes a lot of money to keep the City running and that same money that keeps the City running displays those very words.

Councilmember Thompson stated that anyone who has visited Washington D.C. must know how inspiring it is to walk into the halls of Congress where the motto "In God We Trust" is displayed and said he was in support of the Resolution but felt the cost incurred should come strictly from donations as with the sign on the front lawn at City Hall.

Councilmember Dunker agreed with the idea and said he would like to give the community the opportunity to come forward with donations. Both he and Councilmember Thompson offered to make a donation toward the cost associated with the construction/installation of the sign.

Motion then carried 3-0.

SPECIAL CALL ITEMS

Approve Road Improvement Agreement Between the City of Rio Dell and Albin Enterprises LLC (APN 052-162-061)

Interim City Manager Hill reviewed the staff report as submitted stating that Albin Enterprises LLC has agreed to grant an easement to properties without access on North Street for ingress, egress and public utilities contingent upon the City of Rio Dell agreeing to allow the same road improvements for North St. when and if development occurs as set forth for May St. when it was developed.

Councilmember Marks asked if the agreement would be transferred to the new property owner in the event the property is sold prior to Albin Enterprises LLC developing the property; Matt Allen, realtor for the seller commented that the agreement would be transferred.

Councilmember Marks also asked if there would be a way to make sure that all affected properties are included to avoid additional agreements; Matt Allen said he would like the surveyor to prepare legal descriptions so that all of the property owners are granted access and

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once the improvements are completed the road be dedicated to the City. He noted this agreement will solve the problem for Albin Enterprises, the buyer, the seller and the City.

Motion was made by Thompson/Dunker to authorize the Acting Director of Public Works to approve the North Street Improvement conditions as per the specifications in the May Street Conditions of Approval. Motion carried 3-0.

Approve Award of Bid to Winzler & Kelly Consulting Engineers, Inc. for the 2009 Eel River Saw Mill EPA Brownfield's Assessment Grant and Authorize the Interim City Manager to Sign the Contract and Scope of Services Agreement

Interim City Manager Hill stated in 2009 the City applied for a EPA Brownfields Grant to assess the former Eel River Sawmill site that has recently been annexed into the City with the intent to determine the level of contamination on the property to assist the City as well as any potential future developers in determining what type of development is appropriate for the site and what clean-up, if any is necessary. The City of Rio Dell prepared a Request for Proposal for firms interested in undertaking the project stating that seven proposals were received. The RFP's were evaluated by Interim City Manager Hill along with Finance Director Beauchaine and the firms scoring the highest points were from Winzler & Kelly Consulting Engineers and URS Corporation out of San Francisco. He said both firms provided excellent proposals but the proposal from Winzler & Kelly stood out in comparison to URS Corporation because of the firms clear understanding of the City's desires and general approach related to the project objective, their North coast work experience, and their demonstrated ability to work effectively with City staff. As a result, staff's recommendation was to approve the award of bid to Winzler & Kelly Consulting Engineers for the 2009 Eel River Sawmill EPA Brownfield's Assessment Grant.

Motion was made by Dunker/Thompson to approve the award of bid to Winzler & Kelly Consulting Engineers for the 2009 Eel River Sawmills EPA Brownfield's Assessment Grant and authorize the Interim City Manager to sign the contract and Scope of Services agreement. Motion carried 3-0

Authorize the Mayor or Mayor Pro Tem to Execute a Contract Agreement between the City of Rio Dell and Jim Stretch Related to Services as Interim City Manager

Interim City Manager Hill stated in July, 2009 he was asked to serve temporarily as Interim City Manager and recently he expressed to the City Council that it was his desire to return to his full time duties as Chief of Police. It was suggested that Jim Stretch be pursued as a potential candidate to fulfill the Interim City Manager position until the permanent position is filled. He further stated that the Mayor and Mayor Pro Tem met with Mr. Stretch and he agreed to consider taking on the interim position.

Mr. Stretch, present in the audience introduced himself and provided an overview of his background and experience noting that he had previously served as Interim City Manager for the

City of Rio Dell in 2002. He stated that he was not interested in a full time position but would be interested in assisting the City at 24 to 32 per week for a period of 4 to 6 months until such time a permanent City Manager is hired. Mr. Stretch said he looked at the previous contract he had with the City and the previous City Manager's contract and drafted a basic contract which he reviewed for the benefit of the Council and the public.

Motion was made by Thompson/Dunker to authorize the Mayor Pro Tem to execute a contract with Jim Stretch to serve as the City of Rio Dell's Interim City Manager, after the City Attorney has approved such contract as to legal form. Motion carried 3-0.

Authorize Staff to Draft an Ordinance Requiring Mandatory Solid Waste and Recycling Collection for Rental and Multi-Family Properties

Recycling Coordinator Ralston explained the goal of this action is to simply authorize staff to draft an ordinance requiring Mandatory Solid Waste and Recycling Collection for rental and multi-family properties for Council consideration. She said her goal as Recycling Coordinator for the City is to close the gap and divert more solid waste. In looking at the makeup of our jurisdiction, she learned that 38% of the housing units are rentals. When compared to customers of Eel River Disposal receiving garbage collection services she said the numbers were shocking. Adoption of this ordinance may be a good way to reduce diversion numbers. The way we are measured is per pound per person per day. Each person disposes to the landfill 2.4 pounds of waste per person per day; the mandate is 2.1 pounds per day. This reduction equates to 174 tons per year. Passage of this ordinance will result in 185 additional households utilizing Eel River Disposal services and will have an impact on the diversion rate numbers. She asked the Council to focus on the fact that this is what she sees is the one program that will have the largest impact on the City stating that this would also eliminate much of the illegal dumping of garbage, and although not a tool for code enforcement, will aid in stopping some of the problems. Chief of Police Hill verified that the three recent illegal dumping cases were from rental properties.

Ralston announced that Jim Test from Humboldt Waste Management authority was present to answer questions.

Councilmember Thompson asked if garbage rates would go down; Ralston said there is a theory that rates would be reduced if the number of customers increased but she had not confirmed that theory with Eel River Disposal.

Councilmember Thompson commented there are many citizens who go to the landfill on a monthly basis and wanted assurance that the City gets credit for that diversion; Ralston explained there would be opt out provisions written into the ordinance.

Councilmember Dunker noted that the river bar area tends to get hit the worse with illegal dumping and suggested heavy fines be imposed.

Motion was made by Thompson/Dunker to authorize staff to develop an ordinance requiring Mandatory Solid Waste and Recycling Collection for rental and multi-family properties and to also look into the possibility of citywide collection. Motion carried 3-0.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

Interim City Manager Hill reported on recent meetings and activities and said he was excited about acquiring Jim Stretch as Interim City Manager and was anxious to get back to focusing on the police department; said he posted the ad for a new police officer position for the granted position so after the first of the year would be able to provide some additional services to the community in response to the survey that went out previously; said they had purchased a couple of used police patrol vehicles from the City of Blue Lake and would be surplusing one of the vehicles with the intent of donating it to the police academy if they have use for it with training; and reported on code enforcement activities stating they were about ready to go to violation on 2 different cases; one on Rigby and one on Eeloa Ave.

Councilmember Thompson asked about the status of the gate on Edwards Dr.; Hill said the Director of Public Works did some work to enhance the existing gates with lighting and they were in the process of obtaining quotes on the cost of steel to construct a gate. He said the intent is to install two gates; one to the river and one at the bottom of the hill going to the wastewater treatment plant.

Councilmember Thompson asked if there was a possibility of installing a street light near 30 Bellevue Ave. stating that the area was dark and difficult to see around the corner; Chief of Police Hill said he would make contact with PG&E to see if it would be feasible.

Acting Director of Public Works Jensen reported on recent activities in the public works department stating that he obtained quotes for upgrade to the front gate to make the opening wider; reported on the progress of the Safe Routes to School Project; and said there was a meeting scheduled the next day regarding the Micheli Subdivision Project followed by a Trails meeting with Planwest Partners.

Finance Director Beauchaine reported on recent activities in the finance department stating it had been a really busy past two weeks and she had been working on Brownfield's Grant RFP's; said the work on the audit had ceased awaiting information to the auditors regarding the investigative report; was working on the bridge financing documents; working on the HOME Program; the CDBG Loan Portfolio was completed and had scheduled a meeting with RCAA to discuss

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sending out RFP's for legal counsel specialized in real estate matters for rehab issues; was preparing the reimbursement request to HCAOG on next summers Wildwood Ave. rehab project; and said the draft purchasing ordinance was nearly complete and hoped to have it on the next agenda.

Councilmember Marks asked what needed to be done to get the requested reports to the auditors; Beauchaine said the Council would need to direct the City Attorney to provide the investigative report to the auditors as they had requested. Chief of Police Hill indicated the City Attorney had been instructed to work with the auditors to provide them the requested documentation.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:27 P.M. to the November 17, 2009 Regular Meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk